

Notice of Allowability

Application No.

10/085,472

Examiner

Jared J. Fureman

Applicant(s)

ANDREASSON ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on 12/10/2004.
2. ☒ The allowed claim(s) is/are 4-11, 14-27 and 40-45.
3. ☒ The drawings filed on 26 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER

DETAILED ACTION

Receipt is acknowledged of the amendment, on 12/10/2004, which has been entered in the file. Claims 4-11, 14-27 and 40-45 are pending.

Allowable Subject Matter

1. Claims 4-11, 14-27 and 40-45 have been allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

Wan et al (US 6,539,281) teaches determining if a removed item of medication is correct for the user who removed the medication (see steps 704 and 706, of figure 7), thus, it is necessary that Wan et al associates or assigns items of medication to specific users. However, it appears as though Wan et al assumes that the user who removes the medication is the patient intended to receive the medication. Therefore, it would be necessary to assign the medication to the user before the medication is removed from the medicine cabinet. Thus, Wan et al does not teach or suggest assigning a removed unit dose medical product to an individual patient (as recited in claim 11), reading RFID tags of medical products in the dispensing unit after the medical product is removed and assigning the unit dose medical products to respective individual patients (as recited in claims 14 and 21), and the removed medical product is assigned to an individual patient as the medical product is removed (as recited in claim 42).

McGrady teaches assigning a medical product to a patient after removal of the medical product (charging the patient's account for the removed medical product, see column 17 lines 14-17). However, McGrady assumes that the user removing the medical product is not the patient intended to receive the medical product. Thus, given

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this difference between Wan et al and McGrady, without the benefit of applicant's invention, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art of record in a manner so as to create the claimed invention.

Regarding claim 43, while Wan et al keeps an inventory of medical products stored in the medicine cabinet, Wan et al does not specifically teach identifying a returned medical product by determining a difference between readings of the RFID tags taken before and after the medical product(s) are returned to the dispensing unit. It would only be necessary for Wan et al to take a reading of the RFID tags of the medical products currently stored in the medicine cabinet in order to maintain an accurate inventory.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jared J. Fureman
Jared J. Fureman
Examiner
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January 7, 2005